

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KHALAIRE ALLAH,

Plaintiff,

-against-

DAVID S. DINELLO, et al.,

Defendants.

No. 23-CV-3286 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of the cross-motion and supporting materials, filed by Plaintiff in the above-captioned case and by Plaintiffs in the cases listed below, for an order holding pending motions in limine in abeyance until forty-five days after the conclusion of discovery, (see dkt. nos. 127-29), as well as the letter response filed by certain defendants in the above-captioned case and in the cases listed below, (see dkt. no. 130).

To the best of the recollection of the undersigned, it was Plaintiff's counsel who raised the prospect of briefing on motions in limine for 404(b) witnesses at the teleconference on May 16, 2024. Plaintiff and Defendants jointly proposed a briefing schedule on May 20, 2024, (see dkt. no. 118), which included a deadline for Defendants to file their motions exactly two weeks later and for Plaintiff to file his opposition no later than two weeks after that, (see id.). Plaintiff's counsel states now that when the parties initially discussed the motions in limine with

the Court on May 16, 2024, she “did not know that most relevant discovery . . . would still be outstanding” by the time Plaintiff’s opposition brief came due. (Dkt. no. 129 at 5.) The Court finds this suggestion hard to take seriously, considering Plaintiff’s counsel agreed to a briefing schedule nearly three months before discovery was scheduled to end, which schedule left nearly two full months between the due date for Plaintiff’s opposition brief and the conclusion of discovery. There was every chance certain documents would remain unproduced by that time, yet Plaintiff agreed to the briefing schedule.

Defendants’ document production, however, seems to be unnecessarily delaying discovery. (See dkt. no. 129 at 5.) Also, apparently after offering to truncate their list of proposed witnesses, Plaintiffs apparently failed to do so, (see dkt. no. 130 at 2), and Plaintiffs’ counsel failed to confer with Defendants’ counsel about the entire situation before bringing it to the Court, (see id.). Accordingly, it is ordered that:

- 1) Plaintiffs shall serve a truncated list of proposed witnesses within two weeks from the date of this order;
- 2) Defendants in the above-captioned case and in each of the cases listed below shall promptly produce the discovery Plaintiff references in his June 17, 2024, letter, (see dkt. no. 129 at 5);

- 3) Counsel shall confer and propose a date at or near the end of discovery by which the parties must exchange witness lists for trial;
- 4) Counsel shall confer and propose a schedule for completion of briefing on Defendants' motions in limine on Rule 404(b) witnesses. If at all possible, the motions should be on a witness-by-witness basis or with greater specificity as to the categories of witnesses whose testimony Defendants seek to exclude at trial; and
- 5) The parties shall report jointly to the Court every two weeks from the date of this Order on the status of document discovery in the above-captioned case and in the cases listed below. Such status reports shall conclude upon the completion of fact discovery.

The Clerk of the Court shall close docket entry number 127 in the above-captioned case. The Clerk of the Court shall also docket this order in each of the cases listed below and close each of the docket entries listed below.

- Alston v. Mueller, 23-cv-3290: close docket entry 77.
- Bernard v. Dinello, 23-cv-3323: close docket entry 79.
- Crichlow v. Dinello, 23-cv-3386: close docket entry 81.
- Diggs v. Dinello, 23-cv-7149: close docket entry 65.
- Dunbar v. Hammer, 23-cv-3391: close docket entry 57.
- Farrell v. Silver, 23-cv-9488: close docket entry 24.

- Feola v. Mueller, 23-cv-3393: close docket entry 68.
- Frateschi v. Hammer, 23-cv-3394: close docket entry 68.
- Hale v. Mueller, 23-cv-3396: close docket entry 41.
- Jacks v. Mueller, 23-cv-3288: close docket entry 93.
- Jacobs v. Mueller, 23-cv-3606: close docket entry 71.
- Locenitt v. Dinello, 23-cv-3399: close docket entry 125.
- Lorandos v. Mueller, 23-cv-7369: close docket entry 55.
- Marcial v. Mueller, 23-cv-3455: close docket entry 88.
- Miller v. Hammer, 23-cv-3462: close docket entry 52.
- Oleman v. Hammer, 23-cv-3607: close docket entry 59.
- Ortiz v. Dinello, 23-cv-3547: close docket entry 105.
- Perez v. Dinello, 23-cv-3300: close docket entry 86.
- Pine v. Hammer, 23-cv-7148: close docket entry 50.
- Reyes v. Dinello, 23-cv-3315: close docket entry 80.
- Rhodes v. Hammer, 23-cv-9490: close docket entry 26.
- Rivera v. Hammer, 23-cv-3700: close docket entry 77.
- Rosado v. Mueller, 23-cv-3718: close docket entry 109.
- Van Guilder v. Mueller, 23-cv-3398: close docket entry 84.
- Wilkerson v. Hammer, 23-cv-3397: close docket entry 98.
- Williams v. Dinello, 23-cv-3608: close docket entry 78.
- Windley v. Hammer, 23-cv-7151: close docket entry 66.

SO ORDERED.

Dated: June 28, 2024
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style.

LORETTA A. PRESKA
Senior United States District Judge